

**REMARKS**

Claims 1-38 and 40 are pending. Claims 1 has been amended. Claims 39 and 41 have been cancelled. Claims 2, 3 and 6-38 are withdrawn. Claims 1, 4, 5 and 40 are under consideration. No new matter has been presented.

Applicant requests that the amendments made claim 1 be entered in this after-final response as they do not raise issues which would require further search and/or consideration. Applicant believes that "tightly" and "in direct contact" mean the same thing, and thus assert that this amendment does not raise any issues which require an additional search.

Claims 39 and 41 stand rejected under 35 USC 102(e) as being anticipated by Wu, U.S. Patent Publication No. 2004/0173808. This rejection is respectfully overcome in view of the foregoing claim amendments.

Claims 1, 4, 39 and 40 stand rejected under 35 USC 102(b) as being anticipated by Kazuyuki, JP 2002-314149. This rejection is respectfully traversed.

The light-emitting apparatus package of amended claim 1 includes a ceramic substrate (10), a first concave section (10e), a second concave section (10d), a wiring pattern (11a), and a metalized layer (12), "provided in direct contact with at least a part of the bottom surface of the second concave section (10d) in such a manner that the metalized layer is electrically insulated from the wiring pattern, the metalized layer (12) having "a light reflective property."

That is, the metalized (metal) layer 12 of which the heat conduction is better than that of the ceramic substrates is provided so as to partially constitute the second concave section 10d, and on which the respective light-emitting device is provided (see page 26, lines 7-13 of the specification).

In the light-emitting apparatus, the ceramic substrate 10 and the metalized layer 12 each having good heat conduction are provided to be in direct contact with each other. Therefore, even when the light-emitting device generates heat during emission, the heat thus generated can be

radiated quickly to outside via the metalized layer 12 and the ceramic substrate 10 each having good heat conduction. This ensures that the instability of the light-emitting device caused by temperature-increase is suppressed (Effect 1, page 29, second paragraph and Figs. 1 to 3 of the specification).

Further, the metalized layer 12 has light reflectivity. Therefore, even when light irradiated from the light-emitting device is reflected at the surface of the transparent resin section 14 (Fig. 5) and is directed to the ceramic substrate as stray light, the metalized layer 12 reflects the stray light in the direction along with the light radiation of the light-emitting device. This ensures improvement of the utilization efficiency of light (Effect 2, page 29, third paragraph of the specification).

In contrast, the metal plate 12a (Fig. 2) of Kazuyuki is provided so as to be away from the bottom surface of the concave section. Hence, the metal plate 12a does not correspond to the metalized layer of the claimed invention. Likewise, the light-emitting device (LED 14) of Kazuyuki is provided so as to be away from the bottom surface of the concave section.

Therefore, in the invention of Kazuyuki, when the LED 14 generates heat during its emission, it is impossible to quickly radiate the generated heat to outside via the ceramic substrate having good heat conduction. Thus, the invention of Kazuyuki does not ensure to suppress the instability of the LED 14 caused by temperature-increase, unlike the case of Effect 1 of the present invention.

In conclusion, Kazuyuki's metal plate 12a can not correspond to the claimed metalized layer which is provided in direct contact with at least a part of the bottom surface of the second concave section. Thus, Kazuyuki fails to teach or suggest the features of claim 1.

Claim 39 has been canceled.

Claims 4 and 40 are allowable at least due to their respective dependencies. Applicant requests that this rejection be withdrawn.

Claim 5 stands rejected under 35 USC 103(a) as being unpatentable over Kazuyuki. This rejection is respectfully traversed.

Claim 5 is allowable at least due to its dependency from claim 1. Applicant requests that this rejection be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 247322002100.

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